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No. 50] NEW DELHI, SATURDAY, DECEMBER 16, 1972/AGRAHAYANA 25, 1894

इस नागर में भिन्न पृष्ठ सख्ता दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be
field as a separate compilation

भाग II—खण्ड 4

PART II—Section 4

रक्षा मंत्रालय द्वारा जारी किये गए विधिक नियम और आदेश

Statutory Rules and Orders issued by the Ministry of Defence

MINISTRY OF DEFENCE

New Delhi, the 23rd November, 1972

S.R.O. 334 : WHEREAS certain draft rules further to amend the Cantonment Fund Servants Rules, 1937 were published, as required by sub-section (1) of section 280 of the Cantonments Act, 1924 (2 of 1924), at pages 462 to 466 of the Gazette of India, Part II Section 4, dated the 1st November, 1969, with the notification of the Government of India in the Ministry of Defence No. SRO 306, dated the 16th October, 1969;

AND WHEREAS objections and suggestions were invited till the 1st December, 1969 from all persons likely to be affected thereby;

AND WHEREAS the said Gazette was made available to the public on the 1st November, 1969;

AND WHEREAS objections and suggestions received with respect to the said draft have been duly considered by the Central Government;

NOW, THEREFORE, in exercise of the powers conferred by section 280 of the said Act, the Central Government hereby make the following rules further to amend the Cantonment Fund Servants Rules, 1937, namely:—

RULIS

Short-title and Commencement

1. (1) These rules may be called the Cantonment Fund Servants (Amendment) Rules 1972.

(2) They shall come into force on the date of their publication in the Official Gazette.

Amendment of Rule 3

2. In rule 3 of the Cantonment Fund Servants Rules, 1937 (hereinafter referred to as the said rules), for the words, brackets and figures "the Central Civil Services (Conduct) Rules, 1955", the words, brackets and figures "the Central Civil Services (Conduct) Rules, 1964" shall be substituted.

Insertion of new rules 5B & 5C

3. After rule 5A of the said rules, the following rules shall be inserted, namely:—

5-B(1) All first appointments to service under a Board shall be made through an Employment Exchange or in such other manner as the Central Government may direct;

(2) No person aged below eighteen years and more than twenty-five years shall be appointed to any post under a Board :

Provided that the Officer Commanding-in-Chief, the Command, may, if he considers it necessary so to do and subject to any directions issued by the Central Government in this behalf, relax the aforesaid age-limits generally or specially, with reference to specified categories or specific Cantonments or with reference to individual cases to such extent as he considers appropriate.

(3) No person who has not been declared medically fit by the authorised medical attendant and who does not possess the minimum qualifications and experience, as

may be specified for each post by the Officer Commanding-in-Chief, the Command, shall be appointed to any service under a Board:

Provided that the minimum qualifications specified as aforesaid shall not operate to the disadvantage of an existing servant for continuance in the post to which he has been appointed or for appointment on promotion.

- (4) Appointments to all posts under a Board shall be either by direct recruitment or by promotion or as provided under rule 5-C.
- (5) The Central Government or such other authority as may be authorised by it in this behalf shall classify all posts under a Board into direct recruitment posts or promotion posts and specify the post or posts from which appointment shall be made to each such promotion post.
- (6) The Officer Commanding-in-Chief, the Command, shall subject to such directions, if any, as may be issued by the Central Government, classify all promotion posts into selection and non-selection posts.
- (7) The Executive Officer shall maintain annual confidential reports of all servants except lower grade servants in such form and in such manner as may be specified by the Central Government.
- (8) Appointments to promotion posts shall be made by each Board on the basis of seniority lists maintained for this purpose by the Board, subject to rejection of those considered unfit:

Provided that promotion to selection posts shall be made on the basis of seniority-cum-merit.

5.C(1) The service of a servant shall be transferable from one post in one Board to another post in another Board;

Provided that:—

- (a) the transferor and transferee Boards are situated within the same State; and
- (b) the posts in both the Boards are similar and carry the same scales of pay.

- (2) Subject to such general directions as the Central Government may issue from time to time, the Officer Commanding-in-Chief, the Command, or such other authority as may be authorised by the Central Government in this behalf, shall be the competent authority to transfer a servant under this rule.
- (3) A servant on transfer under sub-rule (1) from one Board to another may, for the purposes of determination of seniority and eligibility for promotion opt:
 - (i) to be governed by the conditions applicable in this behalf to the servants of the Board from which he has been transferred (hereinafter referred to as the transferor Board), or
 - (ii) to be governed by the conditions applicable in this behalf to the servants of the Board to which he has been transferred (hereinafter referred to as the transferee Board):

Provided that where a servant does not opt under this rule within thirty days from the date of assumption of charge in the transferee Board, he shall, for purposes of promotion and seniority, be governed by the conditions applicable in this behalf to the servants of the transferor Board.

- (4) Save as provided in sub-rule (3), the terms and conditions of service of a servant transferred under this rule shall be deemed to be those applicable to the servants of the transferee Board.

(5) Where the servant opts under clause (ii) of sub-rule (3), the service put in by him under the transferor Board before his transfer shall be deemed to be service under the transferee Board.

(6) Leave salary due to a servant transferred under this rule and the contribution to Provident Fund to be credited in favour of such servant under clause (a) of sub-rule (2) of rule 39 shall be borne proportionately by the Boards concerned.

Substitution of rule 6

4. For rule 6 of the said rules, the following rule shall be substituted, namely:—

“6. All first appointments to service under a Board shall be on probation for a period as may be determined by the appointing authority, such period not being less than six months, and no person shall be confirmed in his first appointment till the appointing authority is satisfied that he is fit to hold such appointment

Amendment of rule 8

5. In rule 8 of the said rules, for sub-rule (3) the following sub-rule shall be substituted, namely:—

“(3)(a) A servant who has not attained the age of fifty-eight years and who is discharged in pursuance of clause (b) of sub-rule (1), shall be paid a compensatory gratuity calculated at the rate of fifteen days average pay for each completed year of qualifying service, or a part thereof in excess of six months, subject to the condition that the amount of such gratuity payable shall not exceed the total amount of pay which the servant would have drawn during the period subsequent to the date of his discharge, had he remained in service until he attained the age of fifty-eight years.

(b) A servant, who has not attained the age of fifty-eight years and who is discharged in pursuance of clause(e) of sub-rule (1) shall be paid a compensatory gratuity calculated at the rate of fifteen days average pay for each completed year of qualifying service or a part thereof in excess of six months:

Provided that no gratuity shall be paid if the servant has been offered and has refused an alternative appointment of approximately equal pay under the Board, which in the opinion of the Board was of a suitable nature.

Explanation:—For the purposes of this sub-rule:—

(i) “qualifying service” means continuous service under the Board or Boards and where there has been a break in service, the last period of continuous service, unless the break in service is condoned with the previous sanction of the Officer Commanding-in-Chief, the Command:

Provided that the Board may, in its discretion, include in the computation of qualifying service the amount of any leave earned but not availed of by the servant concerned;

(ii) “Average pay” means the “Average pay” as defined in the Industrial Disputes Act, 1947 (14 of 1947).”

Insertion of new rules 52 & 53

6. After rule 51 of the said rules, the following rules shall be inserted, namely:—

“52(1) Subject to the provisions of this rule, servants and members of their family shall be entitled, free of charge, to medical attendance by the authorised medical attendant.

(2) All patients who are entitled to treatment will attend the hospital, if fit to do so, for medical advice and treatment. Medical attendance at the residence shall be given only in cases of serious injury or illness when the patient is unfit, in the opinion of the authorised medical attendant, to attend or when he is to be admitted to the hospital.

3(i) If the authorised medical attendant is of the opinion that a case is of such a serious or special nature as to require medical attendance by some person other than himself or any of the medical officers available in the hospital, he may, with the previous approval of the Senior Executive Medical Officer (save in cases involving danger to the life of the patient), send the patient to such specialist or other medical officer in Government service attached to a local Civil Hospital of a recognised Medical Institution, as may be approved by the Senior Executive Medical Officer for indoor treatment or surgical operation and the like, or if the patient is too ill to travel, summon such specialist or other Medical Officer to attend upon the patient either in the hospital or at the residence of the patient.

(ii) A specialist or other Medical Officer so consulted or summoned shall be entitled to such fees and travelling allowances as are fixed by the Board in consultation with the Institution from which the specialist was summoned.

(iii) The cost of indoor treatment (excluding diet charges) if any, included in the bill of the concerned hospital or recognised Institution shall be borne by the Board concerned except that in the case of employees whose basic pay is Rs. 180/- per month or less, the diet charges when paid to the said hospital or other institution shall also be borne by the Board. The type of accommodation to be provided in the Civil Hospital or other Institution will depend on the status of the servant and shall require the prior approval of the Senior Executive Medical Officer of the Board.

NOTE 1 : Where flat rates charged by the hospital include diet, accommodation, ordinary nursing and medical services, twenty per cent of such charges shall be reckoned as diet charges.

NOTE 2 : The cost (if paid by the patient) of any special diets not ordinarily provided by the hospital, is not refundable.

(4) Charges for services rendered in connection with, but not, included in medical attendance or treatment of a patient under these rules shall be determined by the authorised medical attendant and paid by the patient.

(5) If any question arises as to whether any services are included in medical attendance or treatment, such question shall be decided by the Board.

(6) For the purpose of these rules :—

(i) "authorised medical attendant" means a Medical Officer appointed by the Board to attend on the servants of the Board.

(ii) "family" means the wife or husband of the servant, as the case may be, and parents and children and step children wholly dependent on the servant.

(iii) "Hospital" means a hospital maintained or recognised as such by the Board and includes a dispensary.

(iv) "Medical Attendance" means attendance at a hospital or in case of serious illness which compels the patients to be confined to his residence, at such residence if situated within the Cantonment or within a reasonable distance of the Cantonment limits, and

(v) "medical treatment" means the rendering of all medical, maternity and surgical facilities available in the hospital and includes :—

(a) the employment of such pathological, bacteriological or other methods as are considered necessary by the authorised medical attendant.

(b) the supply of such medicines, vaccines, sera or other therapeutic substance as are ordinarily available in the hospital, but does not include the supply of a pair of spectacles or artificial dentures or other appliances or preparations which are primarily food, tonics, toilet or disinfectants.

(c) such accommodation as is ordinarily provided in the hospital and is suited to the status of the servant but does not, where indoor treatment is availed of in a hospital other than a Cantonment Board Hospital, include the provision of diet, except in the case of servants whose basic pay is Rs. 180/- per mensem or less ;

(d) such nursing as is ordinarily provided to inpatients by the hospital; and

(e) consultation with a specialist—when such consultation is certified to be necessary by the authorised medical attendant.

53. Nothing in these rules shall affect reservations and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes or other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard."

[No. 25/40/C/I&C/61/2831-C/D(Q & C)]
S.P. MADAN, Under Secy.

नई दिल्ली, 29 नवम्बर, 1972

का. नि. आ. 335.—खँराती विन्यास अधिनियम, 1890 (1890 का 6) की धारा 10 के अनुसरण में, कन्द्रीय सरकार एस्टेल्वारा निवास देती है कि भारत सरकार के रक्षा मंत्रालय की अधिसूचना सं. 199 तारीख 20 जुलाई, 1962 की अनुसूची 'ख' में वी गई स्क्रीम के पैरा 5 के अनुसार द्वांडा दिवस निधि (फ्लैग डे फंड) के नाम में धारित और खँराती विन्यास के कोषपाल में निहित 1,25,000 रु. (एक लाख और पचास हजार रुपये) के अंकित मूल्य के मद्दास क्रण 1972 की 4-1/4 प्रतिशत की प्रतिभूतियों को मार्चित किया जाए और उनके आगम को अन्तर्भूत बैंकों में से किसी एक में आवधिक निष्कौप में विनिहित करने के लिए उस निधि के संधिक को अन्तरित किया जाए।

[सं. 136(5)/72-आई एस ए बी/ /ही(ए जी-1)]

अजित सिंह, उप सचिव (विशेष) ।

New Delhi, the 29th November 72

SRO No. 335.—In pursuance of section 10 of the Charitable Endowments Act, 1890 (6 of 1890), the Central Government hereby directs that the Securities of 4-1/4% Madras Loan 1972 of the face value of Rs. 1,25,000/- (Rupees One lac and twenty five thousand) held in the name of the FLAG DAY FUND and vested in the Treasurer of Charitable Endowments for India in Accordance with paragraph 5 of the scheme and forth in Schedule 'B' to the notification of the Government of India in the Ministry of Defence No. 199 dated the 20th July 1962 be redeemed and the proceeds thereof transferred to the Secretary of that fund for being invested in Fixed Deposit within one of the Scheduled Banks.

[No. 136(5)/72/ISS&AB/ /D(AG.I)]
AJIT SINGH, Deputy Secy (Spl)

